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**Filed** : **September 29, 2003**

### **REMARKS**

The March 12, 2007 Office Action was based upon pending Claims 7-50. This Amendment amends Claims 7, 11, 12, 16, 25, 32, 39, 41, 43, and 45-50. Thus, after entry of this Amendment, Claims 7-50 are pending and presented for further consideration.

The Office Action rejected Claims 7-10, 12, 14-21, 23, 25, 29-42, and 45-50 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,188,973 to Martinez, et al. (the "Martinez patent"). Further, the Office Action rejected Claims 43 and 44 as being anticipated by U.S. Patent No. 5,586,250 to Carbonneau, et al. ("the Carbonneau patent")

In addition, the Office Action rejected Claims 11 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Carbonneau. In addition, the Office Action rejected Claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of U.S. Publication No. 2004/021088 to Vecoven ("the Vecoven publication"). In addition, the Office Action rejected Claims 13, and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of U.S. Patent No. 6,188,973 to Lui ("the Lui patent").

In addition, the Office Action rejected Claims 7, 12, 16, 32, 39, 41, and 45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,338,150. The Office Action rejected Claims 11 and 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 11 of U.S. Patent No. 6,681,342. The Office Action rejected Claim 43 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 28 of U.S. Patent No. 6,681,342.

### **REJECTION OF CLAIMS 7, 11, 12, 25, 26 32, 39, 41, 43, AND 45 FOR OBVIOUSNESS-TYPE DOUBLE PATENTING**

The Examiner rejected Claims 7, 11, 12, 25, 26 32, 39, 41, 43, and 45 under the judicially created doctrine of obviousness-type double patenting.

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Applicants acknowledge the double patenting rejection and will consider submitting a terminal disclaimer if the claims are otherwise allowable with the next action, or if the claims have not otherwise been amended to overcome the double patenting rejection.

**REJECTION OF CLAIMS 7-10, 12, 14-21, 23, 25, 29-42, AND 45-50 UNDER 35 U.S.C. § 102(e)**

The Examiner rejected Claims 7-10, 12, 14-21, 23, 25, 29-42, and 45-50 under 35 U.S.C. § 102(e) as being anticipated by Martinez.

**Claim 7**

Martinez does not teach a computer monitoring and diagnostic system that self-manages the temperature of the system. Martinez monitors the temperature, but does not increase the speed of the cooling fans unless the user provides input to control the computer system components, such as cooling fans. See column 11 lines 29-39.

In contrast, in an embodiment, canister controllers are configured to increase the canister fan speed without user input if the canister fan speed is below a threshold. See paragraphs 133 and 143.

Because the reference cited by the Examiner does not disclose, teach or suggest a computer having a plurality of canister controllers configured to increase the canister fan speed of at least one canister fan without user input if the canister fan speed is below a threshold, along with the other recitations of independent Claim 7, Applicant asserts that Claim 7 is not anticipated by Martinez. Applicant therefore respectfully submits that Claim 7 is patentably distinguished over the cited reference and Applicant respectfully requests allowance of Claim 7.

**Claims 8-10**

Claims 8-10, which depend from Claim 7, are believed to be patentable for the same reasons articulated above with respect to Claim 7, and because of the additional features recited therein.

**Claim 12**

Martinez does not teach a computer monitoring and diagnostic system that self-manages conditions of the system. Martinez monitors conditions of the computer, and

only modifies the sensed conditions of the computer in response to a command from the user. See column 11 lines 29-39.

In contrast, an embodiment teaches self-management of the computer system such that at least one microprocessor is configured to modify the condition of the computer based at least in part in the sensed condition and where the modification is performed without user input. See paragraphs 133 and 143.

Because the reference cited by the Examiner does not disclose, teach or suggest a computer comprising a plurality of microprocessors, where at least one microprocessor is configured to modify the condition of the computer based at least in part in the sensed condition and where the modification is performed without user input, along with the other recitations of independent Claim 12, Applicant asserts that Claim 12 is not anticipated by Martinez. Applicant therefore respectfully submits that Claim 12 is patentably distinguished over the cited reference and Applicant respectfully requests allowance of Claim 12.

**Claims 14 and 15**

Claims 14 and 15, which depend from Claim 12, are believed to be patentable for the same reasons articulated above with respect to Claim 12, and because of the additional features recited therein.

**Claim 16**

Although Claim 16 has different language than Claim 7, Claim 16 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**Claims 17-21 and 23**

Claims 17-21 and 23, which depend from Claim 16, are believed to be patentable for the same reasons articulated above with respect to Claim 16, and because of the additional features recited therein.

**Claim 25**

Although Claim 25 has different language than Claim 7, Claim 25 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

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**Claims 29-31**

Claims 29-31, which depend from Claim 25, are believed to be patentable for the same reasons articulated above with respect to Claim 25, and because of the additional features recited therein.

**Claim 32**

Although Claim 32 has different language than Claim 12, Claim 32 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**Claims 33-38**

Claims 33-38, which depend from Claim 32, are believed to be patentable for the same reasons articulated above with respect to Claim 32, and because of the additional features recited therein.

**Claim 39**

Although Claim 39 has different language than Claim 12, Claim 39 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**Claim 40**

Claim 40, which depends from Claim 39, is believed to be patentable for the same reasons articulated above with respect to Claim 39, and because of the additional features recited therein.

**Claim 41**

Although Claim 41 has different language than Claim 12, Claim 41 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**Claim 42**

Claim 42, which depends from Claim 41, is believed to be patentable for the same reasons articulated above with respect to Claim 41, and because of the additional features recited therein.

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**Claim 45**

Although Claim 45 has different language than Claim 12, Claim 45 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**Claims 46-50**

Claims 46-50, which depend from Claim 45, are believed to be patentable for the same reasons articulated above with respect to Claim 45, and because of the additional features recited therein.

**REJECTION OF CLAIMS 43 AND 44 UNDER 35 U.S.C. § 102(e)**

Further, the Office Action rejected Claims 43 and 44 as being anticipated by U.S. Patent No. 5,586,250 to Carbonneau, et al. ("the Carbonneau patent")

**Claim 43**

Like Martinez, Carbonneau does not teach or suggest self-managing conditions of a computer. Carbonneau monitors conditions of the computer, and only modifies the sensed conditions of the computer in response to a command from the user. See column 11 lines 29-39.

In contrast, an embodiment teaches self-management of the computer system. See paragraphs 133 and 143.

Because the reference cited by the Examiner does not disclose, teach or suggest receiving a message sent from the system bus to the interconnected microcontroller, where the message requests a change in a selected one of a plurality of environmental conditions, where the message is not associated with user input, along with the other recitations of independent Claim 43, Applicant asserts that Claim 43 is not anticipated by Carbonneau. Applicant therefore respectfully submits that Claim 43 is patentably distinguished over the cited reference and Applicant respectfully requests allowance of Claim 43.

**Claim 44**

Claim 44, which depends from Claim 43, is believed to be patentable for the same reasons articulated above with respect to Claim 43, and because of the additional features recited therein.

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**REJECTION OF CLAIMS 11, 13, 22, 24, AND 26-28 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 11 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Carbonneau, Claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Vecoven, and Claims 13, and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Lui.

**Claim 11**

Applicants agree with the Examiner that Martinez does not disclose an actuator configured to modify an environmental condition of the computer. Carbonneau discloses controlling a cooling fan, however, like Martinez, Carbonneau does not teach or suggest modify an environmental condition of the computer without user input.

In contrast, an embodiment teaches self-management of the computer system such that an actuator is configured to modify an environmental condition of the computer without user input. See paragraphs 133 and 143.

Because the references cited by the Examiner do not disclose, teach, or suggest an actuator configured to modify an environmental condition of the computer without user input, where the modification is based at least in part on the environmental conditions sensed by the computer, along with the other recitations of independent Claim 11, Applicant asserts that Claim 11 is not obvious in view of Martinez and Carbonneau. Applicants therefore respectfully submit that Claim 11 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 11.

**Claims 13, 22, 24, and 26-28**

Claim 13, which depends from Claim 12, Claims 22 and 24, which depend from Claim 16, and Claims 26-28 which depend from Claim 25, are believed to be patentable for the same reasons articulated above with respect to Claims 12, 16, and 25, respectively, and because of the additional features recited therein.

**CONCLUSION**

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice

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to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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